

COURT-I

**IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)**

IA NO. 694 OF 2019 IN APPEAL NO. 160 OF 2019

&

IA NO. 695 OF 2019

Dated : 28th May, 2019

**Present: Hon'ble Mrs. Justice Manjula Chellur, Chairperson
Hon'ble Mr. Ravindra Kumar Verma, Technical Member**

In the matter of:

M/s Malana Power Company Ltd.

...Appellant(s)

Vs.

**Himachal Pradesh State Electricity Board Limited &
Ors.**

...Respondent(s)

Counsel for the Appellant(s) : Mr. M.G.Ramachandran, Sr. Adv.
Dr. Seema Jain
Mr. Vimlesh
Mr. Shubham Arya
Mr. Sumit Garg
Mr. Kakoli Sen Gupta

Counsel for the Respondent(s) : Mr. Anand K. Ganesan
Mr. Amal Nair for R-2

Mr. Pradeep Misra
Mr. Daleep Kr. Dhyani for R-4

ORDER

Heard learned senior counsel for the Appellant as well as learned counsel for the Respondents.

According to Respondents for the last five years since December, 2014 no payments have been made towards transmission/wheeling charges. However, it is strongly objected by Appellant.

In terms of tariff order the transmission/wheeling charges now enhanced to 75 paise. It is submitted that in terms of tariff order from time to time transmission/wheeling charges were determined but same is not paid by the Appellant.

Learned senior counsel for Appellant seeks indulgence of this Tribunal to permit them to deposit 50% of arrears and also payment of 50% of huge accruing transmission/wheeling charges. Learned counsel for the Respondents accept so far as arrears of transmission/wheeling charges at 50% now subject to outcome of this Appeal. However, they strongly objected claim of 50% of current bills on the ground that the State Utility is not in a position to cope with the financial burden if bills are also paid at 50%.

Out of Rs.80 Crores of arrears, Rs.10 Crores which is in deposit in High Court of Himachal Pradesh shall be accounted for and Respondent Utility is at liberty to withdraw the said amount. Balance Rs.30 Crores shall be paid on or before July 15th, 2019. So far as current bills we make it clear that there cannot be any reduction in the payments of transmission/wheeling charges since utility also has to resolve its financial crunch. Meanwhile parties shall sit across the table and make best efforts to reconcile the differences pertaining to quantum of arrears.

Objections by Respondents, if any, to the main appeal shall be filed within six weeks' time i.e. on or before 09.07.2019 with advance to copy to other side. Thereafter, rejoinder, if any, shall be filed within four weeks' time i.e. on or before 06.07.2019 with advance to copy to other side.

List the matter for hearing on **08.08.2019**.

(Ravindra Kumar Verma)
Technical Member

(Justice Manjula Chellur)
Chairperson

mk/kt